

United States District Court

FOR THE **FILED**
NORTHERN DISTRICT OF CALIFORNIA
CRIMINAL DIVISION 10 PM 1:20

CR 07 0428

VENUE: SAN FRANCISCO
RICHARD L. CLARK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

MMC

E-Filing

v.

CARMAN CHAN and PAUL LEUNG

DEFENDANT.

INDICTMENT

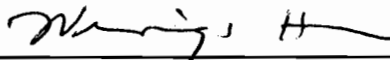
Title 8, United States Code, Section 1324 (a)(1)(A)(iii) -
Alien Harboring; Title 8, United States Code, Section
1324 (a)(1)(A)(v)(I) - Conspiracy to Commit Alien
Harboring; Title 18 United States Code, Section 1001
(a)(2) - Making a False Statement to a Federal Agent
(two counts)

A true bill.


Foreman

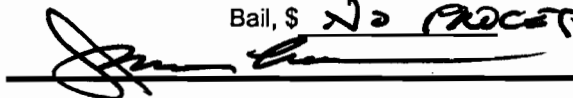
Filed in open court this 10th day of

JULY 2007



Clerk

Bail, \$ NO PROSEC



AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURTBY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING**OFFENSE CHARGED**Ct 1: 8 U.S.C. § 1324(a)(1)(A)(iii)
- Alien Harboring; Ct 2: 8 U.S.C. §
1324(a)(1)(A)(v)(I) - Conspiracy
to Commit Alien Harboring; Ct 4:
18 U.S.C. § 1001(a)(2)☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony**PENALTY:**

See attached penalty sheet.

E-Filing**PROCEEDING**Name of Complainant Agency, or Person (& Title, if any)
ICE - SA Brian Ginn / FBI - SA Siddhartha Patel☐ person is awaiting trial in another Federal or State Court, give name of court☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:☐ U.S. Att'y ☐ Defense☐ this prosecution relates to a pending case involving this same defendant☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded underSHOW
DOCKET NO.MAGISTRATE
CASE NO.Name and Office of Person
Furnishing Information on
THIS FORM**SCOTT N. SCHOOLS**☒ U.S. Att'y ☐ Other U.S. AgencyName of Asst. U.S. Att'y
(if assigned)

Denise Marie Barton

Name of District Court, and/or Judge/Magistrate Location
NORTHERN DISTRICT OF CALIFORNIA

07 JUL 10 PM 1:20

DEFENDANT - U.S.RICHARD W. WILKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
PAUL LEUNG

DISTRICT COURT NUMBER

CR 07 0428**DEFENDANT****IS NOT IN CUSTODY**

- 1) ☐ Has not been arrested, pending outcome this proceeding. If not detained give date any prior summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) ☐ On this charge
- 5) ☐ On another conviction
- 6) ☐ Awaiting trial on other charges } ☐ Fed'l ☐ State

If answer to (6) is "Yes", show name of institution

Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

Month/Day/Year

DATE TRANSFERRED TO U.S. CUSTODY☐ This report amends AO 257 previously submitted**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**☐ SUMMONS ☐ NO PROCESS*☐ WARRANT Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____

Before Judge: _____

Comments: _____

Penalty Sheet

Defendant: Paul Leung

Count 1: Alien Harboring, 8 U.S.C. § 1324(a)(1)(A)(iii)

Maximum Penalties: Class D Felony, imprisonment not more than 5 years, maximum of 3 years supervised release; \$100 special assessment.

Count 2: Conspiracy to Commit Alien Harboring, 8 U.S.C. § 1324(a)(1)(v)(I)

Maximum Penalties: Class C Felony, imprisonment not more than 10 years, maximum of 3 years supervised release; \$100 special assessment.

Count 4: Making a False Statement to a Federal Agent, 18 U.S.C. § 1001(a)(2)

Maximum Penalties: Class D Felony, imprisonment not more than 5 years, maximum of 3 years supervised release; \$100 special assessment.

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURTBY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING**OFFENSE CHARGED**Ct 1: 8 U.S.C. § 1324(a)(1)(A)(iii)
- Alien Harboring; Ct 2: 8 U.S.C. §
1324(a)(1)(A)(v)(I) - Conspiracy
to Commit Alien Harboring; Ct 3:
18 U.S.C. § 1001(a)(2)☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony**PENALTY:**

See attached penalty sheet.

E-Filing**PROCEEDING**Name of Complainant Agency, or Person (& Title, if any)
ICE - SA Brian Ginn / FBI - SA Siddhartha Patel☐ person is awaiting trial in another Federal or State
Court, give name of court☐ this person/proceeding is transferred from another
district per (circle one) FRCrP 20, 21 or 40. Show
District☐ this is a reprosecution of
charges previously dismissed
which were dismissed on
motion of:☐ U.S. Att'y ☐ Defense☐ this prosecution relates to a
pending case involving this same
defendant☐ prior proceedings or appearance(s)
before U.S. Magistrate regarding
this defendant were recorded underSHOW
DOCKET NO.MAGISTRATE
CASE NO.Name and Office of Person
Furnishing Information on
THIS FORM**SCOTT N. SCHOOLS**☒ U.S. Att'y ☐ Other U.S. AgencyName of Asst. U.S. Att'y
(if assigned)

Denise Marie Barton

FILEDName of District Court, and/or Judge/Magistrate Location
NORTHERN DISTRICT OF CALIFORNIA

07 JUL 10 PM 1:20

DEFENDANT: **U.S. DISTRICT COURT**
CLERK, U.S. DISTRICT COURT
FOR NORTHERN DISTRICT OF CALIFORNIA
CARMAN CHAN

DISTRICT COURT NUMBER

CR**07****0428****MMC****DEFENDANT****IS NOT IN CUSTODY**

- 1) ☐ Has not been arrested, pending outcome this proceeding.
If not detained give date any prior summons
was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) ☐ On this charge
- 5) ☐ On another conviction
- 6) ☐ Awaiting trial on other charges } ☐ Fed'l ☐ State

If answer to (6) is "Yes", show name of Institution

Has detainer
been filed? ☐ Yes ☐ NoIf "Yes"
give date
filed**DATE OF
ARREST**

Month/Day/Year

Or... if Arresting Agency & Warrant were not

Month/Day/Year

**DATE TRANSFERRED
TO U.S. CUSTODY**☐ This report amends AO 257 previously submitted**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**☐ SUMMONS ☐ NO PROCESS* ☐ WARRANT Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address: _____

*Where defendant previously apprehended on complaint, no new summons
or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____

Before Judge: _____

Comments: _____

Penalty Sheet

Defendant: Carman Chan

Count 1: Alien Harboring, 8 U.S.C. § 1324(a)(1)(A)(iii)

Maximum Penalties: Class D Felony, imprisonment not more than 5 years, maximum of 3 years supervised release; \$100 special assessment.

Count 2: Conspiracy to Commit Alien Harboring, 8 U.S.C. § 1324(a)(1)(v)(I)

Maximum Penalties: Class C Felony, imprisonment not more than 10 years, maximum of 3 years supervised release; \$100 special assessment.

Count 3: Making a False Statement to a Federal Agent, 18 U.S.C. § 1001(a)(2)

Maximum Penalties: Class D Felony, imprisonment not more than 5 years, maximum of 3 years supervised release; \$100 special assessment.

SCOTT N. SCHOOLS (SCBN 9990)
United States Attorney

FILED
07 JUL 10 PM 1:23
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

E-Filing

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CR 07 0428 MMC

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
CARMAN CHAN, and)
PAUL LEUNG,)
)
Defendants.)

No. CR

VIOLATIONS: Title 8, United States Code,
Section 1324(a)(1)(A)(iii) – Alien
Harboring; Title 8, United States Code,
Section 1324(a)(1)(A)(v)(I) – Conspiracy to
Commit Alien Harboring; Title 18 United
States Code, Section 1001(a)(2) – Making a
False Statement to a Federal Agent (two
counts)

SAN FRANCISCO VENUE

INDICTMENT

The Grand Jury charges:

COUNT ONE: 8 U.S.C. § 1324(a)(1)(A)(iii) – Alien Harboring

Beginning on or about January 9, 2003 and continuing until on or about April 7, 2006, in
the Northern District of California, the defendants,

CARMAN CHAN,
and
PAUL LEUNG,

did knowingly and intentionally conceal, harbor, and shield from detection an alien, namely,
Indarwati Midjan, at 5816 Buena Vista Avenue, Oakland; at 673 Freesia Drive, South San
Francisco; and at 1820 Forest View Drive, Hillsborough, knowing or in reckless disregard of the

fact that the alien had remained in the United States; all in violation of law in violation of Title 8, United States Code, Section 1324(a)(1)(A)(iii).

COUNT TWO: 8 U.S.C. § 1324(a)(1)(A)(v)(I) – Conspiracy to Commit Alien Harboring

Beginning on or about January 9, 2003 and continuing until on or about April 7, 2006, in the Northern District of California, the defendants,

CARMAN CHAN,
and
PAUL LEUNG,

did knowingly and intentionally conspire to conceal, harbor, and shield from detection an alien, namely Indarwati Midjan, knowing or in reckless disregard of the fact that the alien had remained in the United States in violation of law; all in violation of Title 8, United States Code, Sections 1324(a)(1)(A)(v)(I) and 1324(a)(1)(A)(iii).

COUNT THREE: 18 U.S.C. § Section 1001(a)(2) – Making a False Statement to a Federal Agent

On or about February 8, 2007, in the Northern District of California, in a matter within the jurisdiction of the Department of Homeland Security, Immigration and Customs Enforcement and the Federal Bureau of Investigation, both agencies of the United States, the defendant,

CARMAN CHAN,

did knowingly and willfully make a materially false, fraudulent, and fictitious statement and representation to a federal agent, to wit, that Indarwati Midjan only worked with the defendants CARMAN CHAN and PAUL LEUNG at their residence in Oakland, California and that Indarwati Midjan had never been to CARMAN CHAN's and PAUL LEUNG's residence at 1820 Forest View Drive, Hillsborough, California; all in violation of Title 18, United States Code, Section 1001(a)(2).

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COUNT FOUR: 18 U.S.C. § Section 1001(a)(2) – Making a False Statement to a Federal Agent

On or about February 8, 2007, in the Northern District of California, in a matter within the jurisdiction of the Department of Homeland Security, Immigration and Customs Enforcement and the Federal Bureau of Investigation, both agencies of the United States, the defendant,

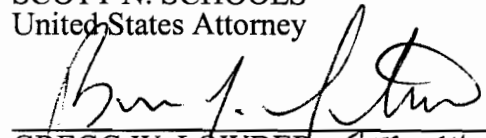
PAUL LEUNG,

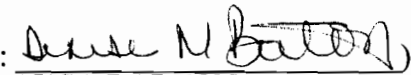
did knowingly and willfully make a materially false, fraudulent, and fictitious statement and representation to a federal agent, to wit, that is that Indarwati Midjan only stayed with the defendants PAUL LEUNG and CARMAN CHAN periodically in Oakland, California and that Midjan had her own home in a location unknown to PAUL LEUNG; all in violation of Title 18, United States Code, Section 1001(a)(2).

DATED: July 10, 2007


acting Foreperson

SCOTT N. SCHOOLS
United States Attorney


GREGG W. LOWDER *STRETCH FOR LOWDER*
Assistant United States Attorney
Deputy Chief, Major Crimes Section

(Approved as to form: )

AUSA BARTON